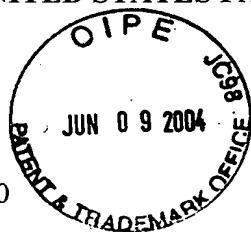


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
KURZ, Thekla, et al. : Group Art Unit: 1617  
Serial No.: 09/889,930 : Examiner: Shengjun Wang  
Filed: October 3, 2001 : Allowed: March 10, 2004  
For: LYOPHILISATES WITH IMPROVED RECONSTITUTIBILITY



COMMENTS ON REASON FOR ALLOWANCE

BOX ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


SIR:

Applicants agree that the definition of the term "rapidly" in the specification provides support for a definition for the same term in the claims.

Additionally, while the Examiner disagrees, applicants are of the position that this term is further not indefinite for the reasons argued in the Appeal Brief. One of ordinary skill in the art would readily understand that the phrase "rapidly producing the freeze phase from the elevated temperature" refers to a freezing process which produces a lyophilisate, i.e., a freeze phase that produces a lyophilisate proceeds "rapidly," as is well known. Applicants' claim language refers to a process whose parameters are readily understood by and are conventional to one of ordinary skill in the art. The exemplary times provided in the definition of "rapidly" in the specification are guidance to one of ordinary skill in the art regarding the meaning of the term.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Filed: June 9, 2004

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